

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR TAGGART  
Supervising Deputy Attorney General  
3 STERLING A. SMITH, State Bar No. 84287  
Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-0378  
Facsimile: (916) 327-8643

7 Attorneys for Complainant  
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9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2009-18

13 **TAMI LOUISE SPAULDING**

4525 Woodmont Court  
14 Fair Oaks, California 95628

**A C C U S A T I O N**

15 Registered Nurse License No. 548378

16 Respondent.  
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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the  
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
22 Affairs.

23 2. On or about September 28, 1998, the Board issued Registered Nurse  
24 License Number 548378, to Tami Louise Spaulding ("Respondent"). The license will expire on  
25 October 31, 2008, unless renewed.

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## JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

5. Code section 2761(a) states, in pertinent part, that the board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for unprofessional conduct.

6. Code section 2762 states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

7. Code section 4022 states, in part:

"Dangerous drug" means any drug unsafe for self-use in humans, including the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request  
3 the administrative law judge to direct a licensee found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **DRUGS**

7 9. "Morphine" is a Schedule II controlled substance as designated by Health  
8 and Safety Code section 11055(b)(1)(M).

9 10. "Dilaudid," a brand of hydromorphone, is a Schedule II controlled  
10 substance as designated by Health and Safety Code section 11055(b)(1)(K).

11 11. "Lortab" is a Schedule III controlled substance as designed by Health and  
12 Safety Code section 11056, subdivision (e)(4).

13 12. "Restoril," a brand of temazepam, is a Schedule IV controlled substance  
14 under Health and Safety Code section 11057(d)(24).

15 13. "Percocet," a brand of oxycodone, is a Schedule II controlled substance as  
16 designated by Health and Safety Code section 11055(b)(1)(N).

17 14. "Zofran," a brand of ondansetron hydrochloride, is a dangerous drug  
18 within the meaning of Code section 4022 in that it requires a prescription under federal law.

19 15. "Benadryl," a brand of diphenhydramine hydrochloride, is a dangerous  
20 drug within the meaning of Code section 4022 in that it requires a prescription under federal law.

21 **BACKGROUND INFORMATION - KAISER PERMANENTE**

22 16. On or about November 10, 2003, Respondent was hired as a traveling  
23 nurse with Readylink Healthcare, Inc. On or about December 12, 2003, Respondent was  
24 assigned a three month contract at Kaiser Permanente ("Kaiser"), located in Woodland Hills,  
25 California. On or about February 15, 2004, and February 16, 2004, while on duty/assignment at  
26 Kaiser, Respondent was alleged to have diverted narcotics. On or about February 25, 2004,  
27 Kaiser canceled Respondent's contract.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

3 17. Respondent is subject to discipline under Code section 2761(a), on the  
4 grounds of unprofessional conduct as defined in Code section 2762(e), in that on or about  
5 February 15, 2004, and February 16, 2004, while on assignment at Kaiser as a registered nurse,  
6 Respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in  
7 hospital or patient records in the following respects:

8 **Patient "A":**

9 a. On or about February 15, 2004, at 2041 hours, Respondent signed  
10 out 10 mg. of Morphine for administration. Respondent documented wasting 8 mg. of Morphine  
11 at 2042 hours, and charted the administration of 2 mg. of Morphine at 2025 hours, which is  
12 approximately 16 minutes prior to signing out the medication.

13 **Patient "F":**

14 b. On or about February 15, 2004, at 0359 hours, Respondent signed  
15 out 30 mg. of Morphine, "PCA" (Patient Controlled Administration). Respondent charted the  
16 administration of Morphine at 0545 hours, which is approximately 1 hour and 46 minutes after  
17 withdrawing the medication.

18 **Patient "G":**

19 c. On or about February 16, 2004, at 0158 hours, Respondent signed  
20 out one 15 mg. of Morphine Solutab for administration, but failed to chart the administration of  
21 Morphine or otherwise account for the disposition of the Morphine in any hospital or patient  
22 record.

23 **Patient "H":**

24 d. On or about February 15, 2004, at 2228 hours, Respondent signed  
25 out 10 mg. of Morphine for administration. Respondent documented wasting 8 mg. of Morphine,  
26 but failed to chart or otherwise account for the disposition of the remaining 2 mg.  
27 of Morphine in any hospital or patient record.

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1 e. On or about February 15, 2004, at 2030 hours, Respondent signed  
2 out 10 mg. of Morphine for administration, charted the administration of 2 mg. of Morphine  
3 at 2030 hours, but did not chart wasting the remaining 8 mg. of Morphine until 2237 hours,  
4 which is approximately 2 hours and 7 minutes after signing out the Morphine.

5 **METHODIST HOSPITAL**

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

8 18. Respondent is subject to discipline under Code section 2761(a), on the  
9 grounds of unprofessional conduct as defined in Code section 2762(e), in that between  
10 October 7, 2003, and October 30, 2003, while employed as a registered nurse at Methodist  
11 Hospital, located in Sacramento, California, Respondent falsified, made grossly incorrect, grossly  
12 inconsistent or unintelligible entries in hospital or patient records in the following respects:

13 **Patient "1"**

14 a. On or about October 28, 2003, at 2400 hours, Respondent signed  
15 out 8 mg. of Morphine for administration. Respondent charted administering Morphine  
16 at 2400 hours, but failed to document the amount of Morphine administered. In addition, the  
17 signing out of the Morphine for administration was inconsistent with physician's orders, which  
18 called for 4-6 mg. of Morphine every three hours.

19 b. On or about October 28, 2003, at 2430 hours, Respondent signed  
20 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
21 administration of Dilaudid at 2430 hours.

22 c. On or about October 28, 2003, each time at 0125 hours, 0230 hours, 0335  
23 hours, 0503 hours, and 0615 hours, Respondent signed out 2 mg. of Dilaudid for administration.  
24 Respondent charted the administration of 2 mg. of Dilaudid each time at 0230 hours, 0340 hours,  
25 0505 hours, and 0615 hours, but failed to chart or otherwise account for the disposition of the  
26 remaining 2 mg. of Dilaudid. In addition, the signing out of Dilaudid for administration was  
27 inconsistent with physician's orders, which did not call for the administration of Dilaudid.

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1 d. On or about October 29, 2003, at 2425 hours, Respondent falsified the  
2 hospital or patient record, in that she wrote prescriptions for Zofran, Lortab, and Percocet for  
3 Patient 1. In fact, the physician did not prescribe Zofran, Lortab, or Percocet for administration  
4 to Patient 1.

5 **Patient "2"**

6 e. On or about October 30, 2003, at 2400 hours, and on or about  
7 October 31, 2003, each time at 0145 hours, 0319 hours, and 0430 hours, Respondent signed out  
8 4 mg. of Morphine for administration. Respondent charted administering 4 mg. of Morphine on  
9 October 30, 2003, at 2400 hours, and on October 31, 2003, at 0145 hours and again at  
10 approximately 1000 hours, but failed to account for the disposition of the remaining 4 mg. of  
11 Morphine.

12 f. On or about October 30, 2003, at 2420 hours, and on or about  
13 October 31, 2003, at 0620 hours, Respondent signed out two 10 mg. tablets of Lortab each time  
14 for administration. Respondent charted administering the Lortab on October 30, 2003,  
15 at 2425 hours, and on October 31, 2003, at 0630 hours. However, the signing out of the Lortab  
16 for administration was inconsistent with physician's orders, which called for one to two 7.5 mg.  
17 tablets of Lortab every four hours.

18 **Patient "3"**

19 g. On or about October 7, 2003, at 0700 hours, Respondent signed  
20 out two 10 mg. tablets of Lortab for administration, but failed to chart or otherwise account for  
21 the disposition of the Lortab.

22 h. On or about October 8, 2003, at 2455 hours, Respondent signed out  
23 two 10 mg. of Lortab tablets for administration, but failed to chart or otherwise account for the  
24 disposition of the Lortab.

25 i. On or about October 8, 2003, at 0530 hours, Respondent signed  
26 out 4 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
27 administration of the Dilaudid at 0530 hours.

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1           j.       On or about October 8, 2003, at 2400 hours, Respondent signed  
2 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
3 administration of the Dilaudid at 2405 hours.

4           k.       On or about October 8, 2003, at 2400 hours, Respondent signed  
5 out two 15 mg. doses of Restoril for administration without a physician's order. Respondent  
6 charted the administration of the Restoril at 2400 hours.

7           l.       On or about October 9, 2003, at 0130 hours, Respondent signed  
8 out two 15 mg. doses of Restoril for administration without a physician's order. Respondent  
9 charted administration of the Restoril at 0130 hours.

10          m.       On or about October 9, 2003, at 0200 hours, Respondent signed  
11 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
12 administration of the Dilaudid at 0200 hours.

13          n.       On or about October 9, 2003, at 0300 hours, Respondent signed  
14 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
15 administration of the Dilaudid at 0300 hours.

16          o.       On or about October 9, 2003, at 0500 hours, Respondent signed  
17 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
18 administration of the Dilaudid at 0500 hours.

19          p.       On or about October 9, 2003, at 2345 hours, Respondent signed  
20 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
21 administration of the Dilaudid at 2345 hours.

22          q.       On or about October 10, 2003, at 0045 hours, Respondent signed  
23 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
24 administration of the Dilaudid at 0045 hours.

25          r.       On or about October 10, 2003, at 0145 hours, Respondent signed  
26 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
27 administration of the Dilaudid at 0145 hours.

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1 s. On or about October 10, 2003, at 0300 hours, Respondent signed  
2 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
3 administration of the Dilaudid at 0300 hours.

4 t. On or about October 10, 2003, at 0400 hours, Respondent signed  
5 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
6 administration of the Dilaudid at 0400 hours.

7 u. On or about October 10, 2003, at 0630 hours, Respondent signed  
8 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
9 administration of the Dilaudid at 0630 hours.

10 **Patient "4"**

11 v. On or about October 7, 2003, at 2430 hours, Respondent signed  
12 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
13 administration of the Dilaudid at 2430 hours.

14 w. On or about October 8, 2003, at 0218 hours, Respondent signed  
15 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
16 administration of the Dilaudid at 0220 hours.

17 x. On or about October 8, 2003, at 0325 hours, Respondent signed  
18 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
19 administration of the Dilaudid at 0330 hours.

20 y. On or about October 8, 2003, at 0527 hours, Respondent signed  
21 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
22 administration of the Dilaudid at 0530 hours.

23 z. On or about October 8, 2003, at 2430 hours, Respondent charted the  
24 administration of 50 mg. of Benadryl. However, there is no record of a withdrawal for Benadryl.

25 aa. On or about October 8, 2003, at 2458 hours, Respondent signed  
26 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
27 administration of 2 mg. of the Dilaudid at 0100 hours.

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1                   bb.     On or about October 9, 2003, at 0200 hours, Respondent signed  
2 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
3 administration of the Dilaudid at 0200 hours, and failed to document the amount of Dilaudid  
4 administered.

5                   cc.     On or about October 9, 2003, at 0300 hours, Respondent signed  
6 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
7 administration of the Dilaudid at 0300 hours, and failed to document the amount of Dilaudid  
8 administered.

9                   dd.     On or about October 9, 2003, at 0500 hours, Respondent signed  
10 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
11 administration of the Dilaudid at 0500 hours, and failed to document the amount of Dilaudid  
12 administered.

13                  ee.     On or about October 9, 2003, at 0600 hours, Respondent signed  
14 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
15 administration of the Dilaudid at 0600 hours, and failed to document the amount of Dilaudid  
16 administered.

17                  ff.     On or about October 9, 2003, at 2345 hours, Respondent signed  
18 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
19 administration of the Dilaudid at 2345 hours.

20                  gg.     On or about October 10, 2003, at 0045 hours, Respondent signed  
21 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
22 administration of the Dilaudid at 0045 hours, and failed to document the amount of Dilaudid  
23 administered.

24                  hh.     On or about October 10, 2003, at 0145 hours, Respondent signed  
25 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
26 administration of the Dilaudid at 0145 hours, and failed to document the amount of Dilaudid  
27 administered.

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1                   ii.       On or about October 10, 2003, at 0300 hours, Respondent signed  
2 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
3 administration of the Dilaudid at 0300 hours, and failed to document the amount of Dilaudid  
4 administered.

5                   jj.       On or about October 10, 2003, at 0400 hours, Respondent signed  
6 out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
7 administration of the Dilaudid at 0400 hours, and failed to document the amount of Dilaudid  
8 administered.

9                   **Patient "5"**

10                  kk.       On or about October 16, 2003, at 0322 hours and 0330 hours, Respondent  
11 signed out 2 mg. of Dilaudid for administration without a physician's order. Respondent charted  
12 the administration of the Dilaudid at 0320 hours and 0330 hours, and failed to document the  
13 amount of Dilaudid administered.

14                  ll.       On or about October 16, 2003, at 0430 hours, Respondent signed  
15 out 4 mg. of Dilaudid for administration without a physician's order. Respondent charted the  
16 administration of the Dilaudid at 0430 hours.

17                   **THIRD CAUSE FOR DISCIPLINE**

18                   **(Prescribed, Obtained, Possessed and Administered Controlled Substances)**

19                  19.       Respondent is subject to discipline under Code section 2761(a), on the  
20 grounds of unprofessional conduct as defined in Code section 2762(a), in that between  
21 October 7, 2003, and October 30, 2003, while employed as a registered nurse at Methodist  
22 Hospital, located in Sacramento, California, Respondent did the following:

23                  a.       Respondent unlawfully prescribed the following controlled substances:  
24                   i.       Restoril to Patient 3, as more particularly set forth above in  
25 paragraph 18, subparagraph (k).

26                   ii.      Morphine (an increased dose) to Patient 1, as more particularly set  
27 forth above in paragraph 18, subparagraph (a).

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1                   iii. Dilaudid to Patient 3, Patient 4, and Patient 5, as more particularly set  
2 forth above in paragraph 18, subparagraphs (i), (v), and (kk).

3                   iv. Lortab and Percocet to Patient 1, as more particularly set forth above  
4 in paragraph 18, subparagraph (e).

5                   b. Respondent obtained the following controlled substances, by fraud,  
6 deceit, misrepresentation or subterfuge or by the concealment of a material fact in violation of  
7 Health and Safety Code section 11173(a), by preparing prescription orders without the  
8 authorization of a physician:

9                   i. Restoril, as set forth above in paragraph 18, subparagraphs (k) and (l).

10                  ii. Morphine, as set forth above in paragraph 18, subparagraph (a).

11                  iii. Dilaudid, as set forth above in paragraph 18, subparagraphs (i), (j),  
12 (m) through (y), and (aa) through (ll).

13                  c. Respondent possessed the following controlled substances, in violation of  
14 Code section 4060, in that Respondent did not have a prescription to possess those controlled  
15 substances:

16                  i. Restoril, as set forth above in paragraph 18, subparagraphs (k) and (l).

17                  ii. Morphine, as set forth above in paragraph 18, subparagraph (a).

18                  iii. Dilaudid, as set forth above in paragraph 18, subparagraphs (i), (j),  
19 (m) through (y), and (aa) through (ll).

20                  d. Respondent administered the following controlled substances, without  
21 the direction to do so from a licensed physician and surgeon, dentist or podiatrist:

22                  i. Restoril, as set forth above in paragraph 18, subparagraphs (k) and (l).

23                  ii. Morphine, as set forth above in paragraph 18, subparagraph (a).

24                  iii. Dilaudid, as set forth above in paragraph 18, subparagraphs (i), (j),  
25 and (m) through (u).

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Prescribed, Obtained, Possessed and Administered a Dangerous Drug)**

3 20. Respondent is subject to discipline under Code section 2761(a), on the  
4 grounds of unprofessional conduct as defined in Code section 2762(a), in that while employed as  
5 a registered nurse at Methodist Hospital, located in Sacramento, California, Respondent did the  
6 following:

7 a. On or about October 8, 2003, Respondent unlawfully prescribed Benadryl,  
8 a dangerous drug, to Patient 4, as more particularly set forth above in paragraph 18, subparagraph  
9 (z).

10 b. On or about October 8, 2003, Respondent administered Benadryl, a  
11 dangerous drug, to another, without the direction to do so from a licensed physician and surgeon,  
12 dentist or podiatrist, as more particularly set forth above in paragraph 18, subparagraph (z).

13 c. On or about October 28, 2003, Respondent unlawfully prescribed Zofran,  
14 a dangerous drug, to Patient 1, as more particularly set forth in paragraph 18, subparagraph (d).

15 **PRAYER**

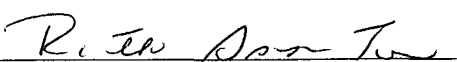
16 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
17 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 548378, issued  
19 to Tami Louise Spaulding;

20 2. Ordering Tami Louise Spaulding to pay the Board of Registered Nursing  
21 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
22 125.3; and,

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 7/18/08

25   
RUTH ANN TERRY, M.P.H., R.N.  
26 Executive Officer  
27 Board of Registered Nursing  
28 Department of Consumer Affairs  
State of California  
Complainant